

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

MICHAEL A. OGLE, )  
                        )  
                        )  
*Plaintiff,*         )  
                        )  
                        )  
v.                      )         No.: 3:14-cv-380-TAV-CCS  
                        )  
                        )  
UNITED STATES OF AMERICA, et al., )  
                        )  
                        )  
*Defendants.*         )

**MEMORANDUM AND ORDER**

The Court is in receipt of a *pro se* prisoner's civil rights complaint under 42 U.S.C. § 1983 and an application to proceed *in forma pauperis*. Pursuant to the Prison Litigation Reform Act of 1996 (PLRA), a prisoner cannot bring a new civil action or appeal a judgment in a civil action *in forma pauperis* if he or she has, three or more times in the past, while incarcerated, brought a civil action or appeal in federal court that was dismissed because it was frivolous, malicious, or failed to state a claim upon which relief may be granted. The only exception is if the prisoner is in "imminent danger of serious physical injury." 28 U.S.C. §1915(g).

While incarcerated, plaintiff has had at least three prior civil rights actions dismissed as frivolous. *See Michael A. Ogle v. United States of America, et al.*, Civil Action No. 3:14-cv-327 (E.D. Tenn. Nov. 17, 2014) (order dismissing case as frivolous and for failure to state claim); *Michael A. Ogle v. United States of America, et al.*, Civil Action No. 3:14-cv-328 (E.D. Tenn. Nov. 17, 2014) (order dismissing case as frivolous

and for failure to state claim); *Michael A. Ogle v. Officer Ford, et al.*, Civil Action No. 3:14-cv-329 (E.D. Tenn. Nov. 17, 2014) (order dismissing case as frivolous).

Plaintiff does not allege that he is in imminent danger of serious bodily harm from the defendants. Thus, in order to file this action, plaintiff must prepay the entire \$400.00 filing fee. Leave to proceed *in forma pauperis* is **DENIED**. Plaintiff's complaint shall be filed for the purpose of making a record and for statistical purposes, and shall be **DISMISSED WITHOUT PREJUDICE** to plaintiff's filing of a fee-paid § 1983 complaint, pursuant to the three-strike rule of 28 U.S.C. § 1915(g).

**E N T E R :**

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE